Supreme Court, U.S.
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No. _____

In the
SUPREME COURT OF THE UNITED STATES

October Term, 2000

William R. Murray, *Petitioner,*

v.

Greyhound Lines Inc. (GLI), *Respondent.*

On Petition for a Writ of Certiorari to the
United States Court of Appeals
for the Eleventh Circuit

PETITION FOR WRIT OF CERTIORARI

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Petitioner (Pro Se)

17 pp

QUESTION PRESENTED

Should GLI be immune from accountability to a passenger for its deliberate, illegal, dangerous and insulting bus operations, such as sustained excessive speeding for 320 continuous miles, drivers' failure to wear seat belts, refusal to permit passengers to sit in seats occupied by drivers' personal effects, and threats of arrest of passengers who requests driver identification?

(Or, worded alternately)

Should the lower courts' dismissal with prejudice be permitted to stand, thus preventing interstate bus passengers such as Petitioner from obtaining redress against Greyhound's illegal, dangerous, and insulting operation of its interstate buses?

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APPENDICES ..... (In separate booklet)

A. Complaint filed July 1, 1999 in CV-99-843

(Circuit Court for Tuscaloosa County, AL)

B. N.D. Ala. "MEMORANDUM OPINION GRANTING MOTION TO DISMISS" and "ORDER OF DISMISSAL," both dated Sept. 17, 1999

C. N.D. Ala.'s October 4, 1999 "DENIAL" of MURRAY's Sept. 29, 1999 "MOTION TO VACATE DISMISSAL"

D. 11th Circuit [Unpublished] May 16, 2000 Opinion

E. 11th Circuit July 3, 2000 "DENIAL" of Rehearing

F. 11th Circuit JUDGMENT dated May 16, 2000, issued as a MANDATE on July 19, 2000

TABLE OF AUTHORITIES

No authorities are cited in this Petition, which asks for review of the Dismissal with Prejudice by lower federal courts' (N.D. Ala. And 11th Cir.) of Petitioner's Complaint (Appendix "A").

This appears to be a "case of first impression" in that Petitioner could find no appellate opinion which addresses a passenger's right to maintain a cause of action against an interstate carrier of passengers for hire for alleged dangerous and illegal operation of its equipment.

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Petition for a Writ of Certiorari to the United States Court of Appeals for the Eleventh Circuit

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William R. Murray ("MURRAY") respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Eleventh Circuit.

OPINIONS BELOW

The opinion of the 11th Circuit Court of Appeals (App. "D") is marked "DO NOT PUBLISH." The

opinion of the Northern District of Alabama (App. "B") is unreported.

JURISDICTION

The 11th Circuit Court of Appeals entered its judgment on May 16, 2000 (App. "D") and its Denial of Rehearing on July 3, 2000 (App. "E"). The jurisdiction of This Court rests upon 28 U.S.C. § 1254(1).

STATUTORY PROVISION INVOLVED

Because the lower Courts Dismissed MURRAY's Complaint with prejudice, there was never any Discovery about, or presentation to the District Court of, any of the various Federal and State

statutes and administrative regulations relating to interstate transportation of passengers for hire, rules of the road, GLI's own internal personnel rules and regulations, or any specific statute.

STATEMENT

Petitioner MURRAY, an Alabama attorney acting *pro se*, purchased a ticket from GLI for interstate bus travel from Tuscaloosa, AL to White Plains, NY and return. The particulars of his claims are set forth in his Complaint (Appendix "A"). During his return trip, MURRAY was subjected to the following circumstances:

a. **Excessive speeding for 320 consecutive non-stop miles, including failure to stop**

at a scheduled rest stop;

b. Refusal by drivers to allow MURRAY to sit in seats occupied only by drivers' baggage and personal effects;

c. Refusal by drivers to identify themselves;

d. Threat of arrest if MURRAY tried to photograph drivers for later identification;

e. Operation of bus without required safety or marker lights; and,

f. Failure by driver to wear seat belt.

PROCEEDINGS BELOW

MURRAY sued GLI in the Circuit Court for Tuscaloosa County, Alabama, alleging fraud, breach of contract, and assault/endangerment.

GLI Removed the action to the Northern District of Alabama. The District Court Dismissed all three of MURRAY's Claims (Appendix "B") in ruling that he had no cognizable claim for fraud, breach of contract, or assault/endangerment. The 11th Circuit Affirmed that Dismissal (Appendix "D") with an opinion marked "DO NOT PUBLISH," and later Denied (Appendix "E") MURRAY's Petition for Rehearing. MURRAY is filing this "Petition for Writ of Certiorari" within the time limit of ninety (90) days after that Denial.

REASONS FOR GRANTING THE PETITION

1. Greyhound should be required to operate its interstate buses legally and safely

Petitioner MURRAY submits that the facts underlying this litigation (Please see his Complaint at Appendix "A") demonstrate that GLI operates its buses solely for its own convenience and profit, and that it disregards both basic "rules of the road" related to safety and its own internal operating and personnel rules.

For the most egregious example in this case, GLI operated its bus at an average speed of more than 70 MPH during a non-stop 320-mile run, where the maximum speed limit was 65 MPH, and in many places, such as construction zones and towns, much lower. That average

speed included leaving one terminal (Richmond, VA) and entering another (Charlotte, NC), so it can reasonably be presumed that the bus was going between 80 and 90 MPH in some places.

Other examples were the driver's failure to wear a seat belt and operating a bus without required safety and marker lights.

Petitioner submits that interstae buses should not be operated that way, and that a passenger such as Petitioner should have a right to bring a civil action against GLI for such operations.

2. Greyhound passengers are often poor, uneducated, and unable to protect themselves against the dangerous, illegal, and arrogant activities of Greyhound

This Court is asked to take "judicial notice" of the fact that the middle and upper classes of our society rarely take lengthy trips by bus. The drive or fly.

On the other hand, the poor, uneducated, illiterate, and minority members of our society, not having access to an alternative mode of long-distance travel, purchase tickets on GLI's interstate bus routes.

Such persons are generally unable to protect themselves against illegal, unsafe, and degrading operations. They

have absolutely no "authority" in dealing with drivers or GLI itself. For example, it may be presumed that if MURRAY's May 14, 1999 letter to GLI (Please see para. B-49 of his Complaint at Appeandix "A") met with non-response, just what type of response a hand-written note in broken English would bring.

Because MURRAY just happens to be an attorney, he was able to expend the time and effort to ask the courts below for redress. However, the lower courts Have ruled that GLI violated no duty.

3. If This Court does not require lower federal courts to recognize passengers rights, there will be no protection against illegal and dangerous operation of interstate buses

The lower Federal Courts in this matter have adopted a theory that, if a passenger is delivered unharmed and without loss of luggage, there can exist no valid claim against an interstate carrier.

Unless This Court grants Certiorari, and orders the lower courts to reinstate Petitioner's claims, Greyhound will have absolutely no reason to change its practices. Thus, millions of bus passengers, most of whom are defenseless against GLI, which possesses a practical monopoly on the interstate transportation of passengers, will continue to be captive to GLI's dangerous and illegal activities.

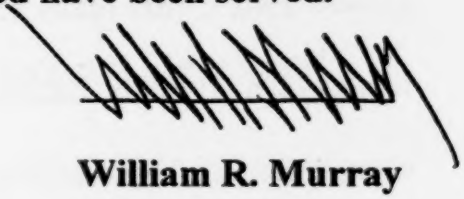
CONCLUSION

The petition for a writ of certiorari should be granted. Unless This Court takes action, millions of GLI interstate bus passengers will continue to be subjected to illegal, dangerous, and humiliating transportation.

CERTIFICATE OF SERVICE

I, William R. Murray, Petitioner *Pro Se*, hereby certify that, on September 25, 2000, I mailed, by first class mail with all postage and fees prepaid, or hand-delivered, three (3) true copies of this Petition for a Writ of Certiorari to Richard E. Smith, Ms. Deborah A. Smith, and Mr. R. Brett Adair, all of the law firm of Rives & Peterson, P.C., 1700 Financial Center, 505 North 20th Street, Birmingham, AL 35203, counsel

for the Respondent Greyhound Lines, Inc. Thus, all parties required to be served have been served.



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